

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTINA ANDERSON,)
)
Plaintiff,)
)
v.) Case No. 4:21-CV-131 SRW
)
)
KILOLO KIJAKAZI,)
Commissioner of Social Security)
Administration,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Alter or Amend the December 6, 2021 Memorandum and Order granting Plaintiff Christina Anderson's Motion for Attorney Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, in the amount of Six Thousand Eight Hundred and Eighty-Three Dollars and Fifty-Five Cents (\$6,883.55). ECF No. 29.

On November 1, 2021, this Court reversed the Commissioner's decision and remanded Plaintiff's case for further proceedings. ECF No. 25. On November 22, 2021, Plaintiff filed a Motion for Attorney Fees in the amount of \$6,883.55. Plaintiff explained the amount was based on multiplying 31 hours of attorney time by an adjusted rate of \$222.05 per hour. Plaintiff's attorney, David Camp, submitted a sworn affidavit of his hours worked in this instant case and an itemized ledger detailing the work performed and associated costs. ECF No. 26-2.

The Commissioner filed a response stating he had no objection to Plaintiff's request for attorney fees, but listed the amount agreed upon between the parties as Six Thousand Eight Hundred and Sixty-Six Dollars and Forty-Three Cents (\$6,866.43), which was \$17.12 less than

the amount requested in Plaintiff's motion. ECF No. 27. The Court understood the listed amount in Defendant's Response to be a typographical error as the Commissioner did not attach a written agreement between the parties, and Plaintiff's motion did not reference any such agreement to a lower award amount. To the contrary, Plaintiff had submitted an itemized attorney fee ledger with an affidavit. Thus, the Court granted Plaintiff her requested amount of \$6,883.55. ECF No. 28.

On December 9, 2021, Defendant filed the instant Motion to Alter or Amend this Court's Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. ECF No. 29. Defendant asserts that "after negotiations, the parties agreed upon an award under the EAJA in the amount of \$6,866.43." *Id.* Plaintiff did not file a response in opposition, and the time for doing so has passed. Thus, the Court will grant Defendant's Motion to Alter or Amend, and will alter the award amount.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Alter or Amend this Court's December 6, 2021 Memorandum and Order [ECF No. 29] is **GRANTED**.

IT IS HEREBY ORDERED that Defendant Commissioner of Social Security Administration shall pay attorney fees under the Equal Access Justice Act in the adjusted amount of Six Thousand Eight Hundred and Sixty-Six Dollars and Forty-Three Cents (\$6,866.43).

IT IS FURTHER ORDERED that said award shall be made payable to Plaintiff Christina Anderson and mailed to Plaintiff's attorney at 1215 Fern Ridge Parkway, Suite 101, St. Louis, Missouri 63141.

So Ordered this 21st day of December, 2021.

/s/ Stephen R. Welby

STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE